

NOTICE OF GARNISHMENT AND EXEMPTIONS

NOTICE: YOUR PROPERTY MAY BE TAKEN TO PAY A CREDITOR. PLEASE READ THIS CAREFULLY.

1. If you are the defendant in this action, your rights may be affected. You should read this notice and take steps to protect your rights.

2. If you are not the defendant in this action, papers filed with the court indicate that you may have an interest in the defendant's property. Your rights may be affected, and you should read this notice and take steps to protect your rights.

3. The garnishee (someone who possesses your property) has been ordered to hold your property. This means that you cannot obtain the property and it may be used to pay a judgment creditor.

4. Certain property and money are exempt from execution (cannot be seized). The following is a partial list of exempt property and money, but these exemptions might not apply to judgments for alimony or child support:

(A) A motor vehicle used in trade or business up to the amount allowed by law.

(B) Tools of the trade up to the amount allowed by law.

(C) Certain furnishings, appliances, musical instruments, and heirlooms.

(D) Social Security benefits.

(E) Supplemental Security Income benefits (SSI).

(F) Veterans' benefits.

(G) Unemployment benefits.

(H) Workers' compensation benefits.

(I) Public assistance.

(J) Alimony or child support.

(K) Certain pensions.

(L) Part of your wages.

(M) Property of a person who did not have a judgment entered against him or her, such as the co-owner of the property being held.

5. There may be additional exemptions. You should consult the Utah Exemption Act, Utah Code Title 78, Chapter 23. (Available at: http://www.le.state.ut.us/~code/TITLE78/78_1E.htm). There is no exemption solely because you are having difficulty paying your debts.

6. If you believe that the Writ of Garnishment was issued improperly, that the Answers to Interrogatories are inaccurate, that the judgment creditor owes you money, or that you are entitled to an exemption, DO THE FOLLOWING IMMEDIATELY. You have a deadline of 10 business days from the date the garnishee mailed or delivered this notice to you.

(A) Complete the attached "Reply and Request for Hearing" form.

(B) Sign your name in the space provided and write the address at which the court clerk should notify you of the hearing.

(C) Mail or deliver the form to: the court clerk, the plaintiff, (or plaintiff's attorney) and the garnishee. Keep a copy for your records. The name and address of the clerk of the court, the plaintiff, (or plaintiff's attorney) and the garnishee are on the Writ of Garnishment.

7. The court clerk will schedule the matter for hearing and notify you. You should file with the Reply and Request for Hearing form or bring to the hearing any documents that help you prove your property is exempt.

8. If you fail to take these steps, the property being held may be used to pay a judgment creditor.

9. You may consult an attorney and have the attorney represent you at the hearing.